

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1	DANG COA VU,)	
2)	No. CV-11-00090-CI
3	Plaintiff,)	
4)	
5	v.)	ORDER GRANTING STIPULATED
6)	MOTION TO REMAND PURSUANT TO
7	MICHAEL J. ASTRUE,)	SENTENCE FOUR OF 42 U.S.C.
8	Commissioner of Social)	§ 405(g)
9	Security,)	
10)	
11	Defendant.)	

BEFORE THE COURT is the parties' stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings. (ECF No. 21.) Attorney Kenneth L. Isserlis represents Plaintiff Dang Coa Vu; Special Assistant United States Attorney Willy M Le represents Defendant. The parties have consented to proceed before a magistrate judge. (ECF No. 7.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' stipulated Motion to Remand (**ECF No. 21**) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) shall obtain a non-examining psychiatric or psychological medical expert to further assess Plaintiff's mental impairments, starting at step two of the sequential evaluation process. The Administrative Law Judge should consider the provisions of HALLEX-I-2-5-36.D in selecting the

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1 medical expert on the grounds of bias or other appropriate bases.

2 To the extent drug abuse/alcoholism (DAA) affect the sequential
3 evaluation process, on remand the standards of *Bustamante v.* but is
4 not limited to: reassessing Plaintiff's residual functional
5 capacity; reevaluating the requirements of Plaintiff's past relevant
6 work at step 4 to determine whether he could perform these jobs
7 absent the effects of drug abuse and alcoholism; and if necessary,
8 proceeding to step 5 to identify whether Plaintiff could perform
9 other work in the national economy, obtaining vocational expert
10 testimony where appropriate.

11 In addition, Plaintiff has a favorable subsequent claim with a
12 disability beginning September 12, 2009, the day after the
13 Administrative Law Judge's decision. The Administrative Law Judge
14 will be directed to consider the fully favorable decision, if
15 necessary, consistent with applicable regulations, when deciding the
16 claim remanded by the court. On remand, the Administrative Law
17 Judge and/or the Appeals Council is not to reopen, revise or
18 otherwise modify that fully favorable decision in any way.

19 2. Judgment shall be entered for the **PLAINTIFF**.

20 3. Plaintiff's Motion for Summary Judgment (**ECF No. 12**) is
21 stricken as moot.

22 4. An application for attorney fees may be filed by separate
23 motion.

24 The District Court Executive is directed to enter this Order,
25 forward copies to counsel, and thereafter shall close this file.

26 DATED January 11, 2012.

27 S/ CYNTHIA IMBROGNO
28 UNITED STATES MAGISTRATE JUDGE